

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 93-285

May 14, 1996

TARGET TELECOM, INCORPORATED
Applications for Approval of Certificate
of Public Convenience and Necessity
to Operate as a Reseller

ORDER: GRANTING AUTHORITY
TO PROVIDE SERVICE AND
APPROVING SCHEDULE OF RATES,
TERMS AND CONDITIONS

WELCH, Chairman; HUNT and NUGENT, Commissioners

By this Order, the Commission grants Target Telecom Incorporated (TTI, or the Company) the authority to provide interexchange service throughout the state of Maine and approves the Company's Terms and Conditions and Rate Schedules as filed on April 30, 1996. In addition, the Commission, on its own motion, grants waivers to Chapter 210, Uniform System of Accounts, and 35-A M.R.S.A. §§ 707 and 708.

I. Approval of Application to Serve

On February 21, 1996, pursuant to 35-A M.R.S.A. §§ 2102 and 2105, TTI applied for authority to operate in Maine under the Commission's expedited process. We have reviewed the Company's petition, Terms and Conditions, and Rate Schedules, and find that they comply with Maine law and the Commission's rules. Our review of TTI's responses to questions about the Company's finances and experience in other states, indicate that it is not necessary for the Commission to open a formal investigation before granting the Company permission to operate in Maine.

In general, the Commission believes that a competitive telecommunications market results in services and rates that benefit the public. The Commission did not compare TTI's rates to those of carriers whose rates are subject to cost-based regulation. We believe that the acceptability of TTI's services and rates in the market place provides an adequate test of the reasonableness of the Company's rates.

II. Reporting Requirements

Although TTI, has not requested a waiver from the requirements of the Commission's Chapter 210, which governs telephone utility accounting, or from 35-A M.R.S.A. §§ 707 and 708, which govern reorganizations and affiliated interests, the Commission has the authority to grant a waiver on its own motion. Because TTI's rates and operations are subject to market forces, we see no need to subject the Company to these regulations. However, as required by Maine law, TTI must report its annual intrastate gross operating revenues and its annual intrastate minutes of use for the purpose of determining regulatory assessments for underlying carriers.¹ If TTI

1 ¹ The Commission mails the annual reporting forms to carriers in January of each

resells service to other switched or switchless resellers, the Company must maintain its records in a way that it is able to separately identify those sales.

In addition, the Commission has determined that TTI is a facilities based (switched) reseller. Our approval of the Company's application to provide service in Maine is conditioned on TTI paying access charges per Chapter 280, Provision of Competitive Telecommunications Services, to New England Telephone Company as access administrator.

It is

O R D E R E D

1. That Target Telecom Incorporated's request per 35-A M.R.S.A. §§ 2102 and 2105, to provide interexchange service throughout the state of Maine, is granted;
2. That the Company's proposed Terms and Conditions and Rate Schedules are approved as filed on April 30, 1996;
3. That the Company is exempt from the requirements of Chapter 210 of the Commission's Rules, except that it must report certain revenue and minutes of use information, as requested by the Commission, on or before April 1 of each year;
4. That Target Telecom Incorporated is exempt from approval requirements of 35-A M.R.S.A. §§ 707 and 708.

BY ORDER OF THE COMMISSION

Christopher P. Simpson
Administrative Director

COMMISSIONERS VOTING FOR: Welch
Nugent
Hunt

year. The completed forms are due by April 1 of each year.

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of adjudicatory proceedings are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 6 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which consideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attached a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.